NOVEMBER 15, 2011

CITY OF TRINIDAD TRINIDAD, COLORADO

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, November 15, 2011 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:

Mayor

Garduno, presiding

Councilmembers

Aragon, Pando, Rino, Toupal, Shew, Velasquez

Also present:

City Attorney

Beatty

City Clerk

Garrett

City Manager

Gil de Rubio

The pledge of allegiance was recited.

READING OF THE MINUTES. Regular Meeting of November 2, 2011. Mayor Garduno called for any questions or additions. A motion to dispense with the reading and approve the minutes as submitted was made by Councilmember Toupal and seconded by Councilmember Shew. The motion carried unanimously.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

REPORT BY CITY MANAGER. Budget. City Manager Gil de Rubio pointed out within Council's packets his recommendation to a change in the 2012 Lottery fund budget. The bottom of the page is numbered Page 74, dated November 15, 2011. He asked Council to insert this replacement page and remove the previous. He explained that he took the \$40,000 previously budgeted for land purchase and acquisition and moved \$20,000 to Kit Carson Park bandstand and Central Park grandstand. He reminded Council that the \$40,000 had previously been budgeted to acquire the property on the south part of the trail and that the City has applied for a grant to connect the trail to Trinidad Lake State Park. Therefore, with this recommended change there will be \$20,000 left in the budget for land acquisition on the south part of the trail. The other \$20,000 will be used towards repair of the Kit Carson Park bandstand and Central Park grandstand.

Wind damage. City Manager Gil de Rubio advised Council that he, Building Inspector Chris Kelley, Supt. Jim Fernandez and Operator Gilbert Ramirez traveled to the Stonewall area to assess the wind damage sustained over the weekend. He said the damage to City property was very minimal, however there were a fair amount of trees downed and one of the cabins had damage at Monument Lake from a downed tree, although it didn't appear to be too extensive. Additionally there was some roof damage on the City house occupied by Operator Ben Ferguson and his personal vehicle and trailer parked at the house were damaged. He concluded that they took pictures of the damage and an insurance adjuster from CIRSA will be coming down to assess the damages.

ARPA. City Manager Gil de Rubio reminded Council of the monthly ARPA meeting this Thursday, November 17th in La Junta. He advised that they would be leaving between 8:00 a.m. and 8:30 a.m.

Clubhouse. Councilmember Rino noted the 2012 budgeted amount of \$22,000 for the golf course clubhouse and asked where the project is. City Manager Gil de Rubio answered that the asbestos mitigation has been finished and PWD Mike Valentine has been working diligently on putting together elevations for windows and doors which will go out to bid shortly. Additionally the HVAC drawings and specification are just about done. The windows and doors will be bid out as one package, the HVAC system another package and the electrical work as a third package. He said they are shooting for completion mid-December, early January. The asbestos abatement and to pick out the windows and doors to compliment the aesthetic values of the building took time. Councilmember Rino said he noticed an open door the other day. Councilmember Pando asked when he anticipated the building to be ready. City Manager Gil de Rubio said that original time line is still anticipated, March or April.

REPORT BY CITY ATTORNEY. Reapportionment. City Attorney Beatty told Council that he was sure they've read the extensive news coverage regarding the proposed reapportionment of legislative districts. He pointed to a map provided at Council's seating places. He said that is a revised reapportionment map that emerged just last month that proposed to divide Las Animas County into two House of Representative districts in the Colorado General Assembly. Las Animas County Commissioners and County Attorney Dixie Newnam have been fighting this battle. The City would be lumped in with a part of Pueblo and would lose its political voice. The Colorado Supreme Court heard arguments about the proposal last week. This informed Council that this reapportionment occurs each ten years after the census to make the legislative districts align with the population count. He continued that the Colorado Supreme Court released an opinion this afternoon. They remanded the proposed reapportionment plan back to the Reapportionment Commission for further consideration, modification and resubmission. He read from their opinion "In this original proceeding we are required to review the finalized reapportionment plan submitted by the Colorado Reapportionment Commission to determine whether the adopted plan complies with Article V, Section 46 and 47 of the Colorado Constitution. We hold that the adopted plan is not sufficiently attentive to county boundaries to meet the requirements of Article V, Section 47(2) and the Commission has not made an adequate showing that a less drastic alternative could not have satisfied the hierarchy on Constitutional criteria set forth in our most recent reapportionment opinion. We therefore return the adopted plan to the Commission for further consideration, modification and resubmission by 5:00 p.m. on December 6, 2011." He said this is believed to be good news and commended and congratulated the Las Animas County Commissioners and County Attorney Dixie Newnam on their efforts.

Cougar Canyon. City Attorney Beatty pointed to a memo at Council's seating places regarding Cougar Canyon and the bankruptcy action of Trinidad Golf, LLC. He said as the memo explains, the Colorado Department of Revenue filed a motion to dismiss the bankruptcy action. The motion was granted on November 8th. The next day, November 9th, the Colorado Department of Revenue seized what is operating as the temporary pro shop and restaurant at Cougar Canyon.

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Tourism board. City Attorney Beatty announced that the Tourism Board received seven responses to their request for proposals for a marketing entity.

Opera House. City Attorney Beatty informed Council of a large piece of sand stone that recently fell off of the façade of the Opera House building. He said the City invoked its emergency powers pursuant to the City's Property Maintenance Code. It is presumed that the damage was the result of the wind over the weekend. The City has a contractor removing parts that present an eminent danger to the public's safety.

Franch building. Councilmember Rino asked about the work on the Franch building which sustained fire damage, noting that nothing is being done to it. He asked the City Attorney to check into it. City Attorney Beatty said he believes foreclosure proceedings are going to be initiated. Councilmember Rino said the back of the building is terribly trashed and it should be removed because it is a hazard in itself. City Attorney Beatty said he has issued noticed about that matter himself. Councilmember Rino suggested the Code Enforcement Officer take a look at it.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Tavern liquor license renewal request by Ole's Tavern, Inc. d/b/a Ole's Tavern at 2833 Toupal Drive. A motion to approve the license renewal was made by Councilmember Rino and seconded by Councilmember Velasquez. The motion carried by a unanimous roll call vote of Council.

Special events permit request (malt, vinous and spirituous) by Trinidad & Las Animas County Chamber of Commerce at 206 N. Animas on December 2, 2011 (Pioneer Christmas party). Councilmember Rino moved for the approval of the permit and the motion was seconded by Councilmember Shew. Roll call was taken on the motion which carried unanimously.

Special events permit request (malt, vinous and spirituous) by Mt. Carnel Health, Wellness, & Community Center at 911 Robinson Avenue on December 2, 2011 (Nicole Unser concert). A motion to approve the special event permit request was made by Councilmember Shew. The motion was seconded by Councilmember Toupal. Upon roll call vote, the motion carried unanimously.

Transfer of ownership application filed by Gino's Sports Bar, LLC at 991 E. Main Street (formerly Linda Velasquez d/b/a Gino's Sports Bar). Councilmember Shew moved to set the transfer application for public hearing at 7:00 p.m. on December 20, 2011. Councilmember Toupal seconded the motion, which carried unanimously, excepting Councilmember Velasquez who abstained.

Temporary permit request by Gino's Sports Bar, LLC at 991 E. Main Street. Councilmember Aragon asked the purpose of this. City Clerk Garrett explained that it allows the continuation of the business under the limited liability company until the transfer of ownership hearing is held. A motion to approve the temporary permit was made by Councilmember Pando and seconded by Councilmember Shew. The motion carried by majority with Councilmember Aragon casting the only dissenting vote and Councilmember Velasquez abstaining. The balance of the Council and Mayor voted in favor of the request.

Transfer of ownership application filed by Robert Leonetti d/b/a Park Café 608 Arizona Avenue (formerly Robert & Donna Leonetti d/b/a The Park). Councilmember Shew moved to set the transfer application for public hearing at 7:00 p.m. on December 20, 2011. Councilmember Toupal seconded the motion, which carried unanimously.

Temporary permit request by Robert Leonetti d/b/a Park Café 608 Arizona Avenue. Councilmember Toupal moved for the permit approval. The motion was seconded by Councilmember Pando. Roll call was taken and the motion carried unanimously.

Resolution authorizing renewal of health insurance benefits for City employees and their dependents through Rocky Mountain Health Plans for plan year 1/1/12 through 12/31/12. A motion to adopt the resolution was made by Councilmember Toupal and seconded by Councilmember Velasquez. The resolution was approved by a unanimous roll call vote.

RESOLUTION NO. 1374

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, AUTHORIZING RENEWAL OF HEALTH INSURANCE BENEFITS FOR CITY EMPLOYEES AND THEIR DEPENDENTS THROUGH ROCKY MOUNTAIN HEALTH PLANS FOR PLAN YEAR 1/1/12 THROUGH 12/31/12

Consideration of Facility Use Agreement between the City and the Pecos League for Central Park Upper Field Baseball Facility. City Attorney Beatty advised that he made revisions since the work session. Councilmember Rino commented that the original agreement used to be between the college and the school district and asked why it's being changed to the Pecos League. City Manager Gil de Rubio said it is being changed from a three-party agreement to a four-party agreement because the Pecos League is coming in and leasing the field. Councilmember Rino said he is concerned with three entities using one field and that there may be problems, for instance with three teams trying to practice and play games. He clarified that he is supportive of the Pecos League coming in. City Manager Gil de Rubio said they are working the scheduling out and it very well will work with the four entities. The City will have the final say with the scheduling as well as maintenance of the field. City Attorney Beatty called to Council's attention item #7j on the agenda, which is the First Amendment to the Facility Use Agreement with Trinidad State Junior College and School District No. 1. He said the intent is to have the college and school district acknowledge the additional party and try cooperate and to accommodate their schedules. Councilmember Rino added that he believed some of the equipment at the field belongs to other parties such as the score clock and score board which are owned by the high school and the Bonaquista family installed the batting cage. The announcer's booth belongs to the Alumni Association. He said he's interested in everyone knowing who owns what

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and has responsibility for its maintenance. City Manager Gil de Rubio acknowledge sweat equity the college has into the field and lockers and said the Pecos League will be bringing a turtle batting cage. It will be give and take throughout. He said he has met with all parties and they are very excited. This is very doable. If there's a conflict that arises the City will decide the outcome. Councilmember Rino said he's concerned about problems down the line and said they should look at ways to alleviate problems ahead of time. City Manager Gil de Rubio reiterated that he met with the parties on several occasions. There's language in the contract to mitigate conflict. It is the City's field. The college has put money, time and effort into it and the City will be rebuilding the grandstands, part of which will be the press box. Councilmember Pando commented that the Pecos League games will be at night and should not present a conflict. He said he could see potential conflict with them practicing during the day when the others will probably be involved as well. City Manager Gil de Rubio said it will work out because of their schedule. The Pecos League will start when the high school and college are tapering off. Tournaments could present a situation, but there doesn't appear to be any conflicts at this point. Mayor Garduno commented that the high school summer league will also be something to work out because they also have some evening She pointed out that this is a one-year contract and if it doesn't work out it can be changed next year. Councilmember Pando said he read that the Pecos League in Santa Fe will have alcohol sales and asked if that will be coming up here also. City Manager Gil de Rubio said it will for revenue. Mayor Garduno asked if it will be through the Chamber. City Manager Gil de Rubio answered affirmatively. Chris Velasquez commented that the softball leagues are not allowed to have liquor at all and it's not allowed at other city places. City Manager Gil de Rubio said City Council will decide and reminded this is a professional baseball team. He added that it would be a special use permit but said this is not a good time to talk about the matter. Councilmember Toupal said it would be a special use and reminded that there is liquor at Santa Fe Trial Days, so it could be done. A motion to approve the agreement was made by Councilmember Shew and seconded by Councilmember Aragon. The motion carried by a unanimous roll call vote.

Consideration of First Amendment to Facility Use Agreement between the City and Trinidad State Junior College and Trinidad School District Number One. City Attorney Beatty advised that the City doesn't have formal approval from the other two entities for this item. The School District will consider it next Monday at their meeting and the college is considering the agreement now. They were satisfied with the initial draft provided. He said there was additional language added about schedule conflicts and that he doesn't anticipate concerns at this time. Mayor Garduno asked if he was suggesting Council table action for their formal approval. City Attorney Beatty answered that if Council is comfortable with the agreement they move forward with it as it can come back later if the school and college have concerns. A motion to approve the First Amendment was made by Councilmember Aragon. The motion was seconded by Councilmember Shew. Roll call was taken and the motion carried unanimously.

Consideration of request by New Elk Coal Company to allow use of water under Tier 2 of the Water Lease Agreement between the City and New Elk Coal Company. Supt. Fernandez recommended the City provide for the additional 100 acre feet of water in 2012 to New Elk Coal Company as requested. Councilmember Aragon made a motion to approve the request and the motion was seconded by Councilmember Toupal. The motion carried unanimously upon roll call vote.

Appointment to the Arkansas River Power Authority Board of Directors. A motion to re-appoint Councilmember Franklin Shew to the Board of Directors was made by Councilmember Aragon and seconded by Councilmember Velasquez. The motion carried unanimously however with Councilmember Shew abstaining from the vote. Councilmember Toupal asked if City Manager Gil de Rubio's appointment has to be considered. City Clerk Garrett advised that his term doesn't yet expire.

Resolution endorsing efforts to maintain Amtrak's Southwest Chief passenger rail service through the City of Trinidad, Colorado. In response to Councilmember Shew's inquiry, City Manager Gil de Rubio advised Council that he attended the meeting last Thursday in La Junta. Representatives from Kansas, Oklahoma, New Mexico and Colorado were there. There were about 75 people in attendance, including State Representatives, City Managers, Mayors and City Council members. It was a well organized group. They are very keen on getting funds together as well as soliciting Washington and the various State Capitols to get Federal and State money to continue the Amtrak loop through La Junta and Trinidad. They are also talking about extending a loop from La Junta to Denver. He reminded Council of Mr. Souby's urging that they formally pass a resolution and show support for this effort to continue the line through Trinidad. A motion to adopt the resolution was made by Councilmember Aragon and seconded by Councilmember Shew. The motion carried unanimously pursuant to a roll call vote.

RESOLUTION NO. 1375

BILLS. A motion to approve the bills was made by Councilmember Shew. The motion was seconded by Councilmember Aragon. Roll call was taken on the motion. The motion carried unanimously.

PAYROLL, October 29, 2011 through November 11, 2011. A motion to approve the payroll was made by Councilmember Velasquez and seconded by Councilmember Toupal. The motion carried unanimously.

Councilmember Toupal corrected his earlier statement about special events permits. He said he intended to say the Blues Fest because it is at Central Park, rather than Santa Fe Trail Festival.

ADJOURNMENT. There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Shew and seconded by Councilmember Toupal. The meeting was adjourned by unanimous vote of Council.

ATTEST:
Ludio Hallett
AUDRA GARRETT, City Clerk